

BUREAU OF AIR POLLUTION CONTROL

901 SOUTH STEWART STREET SUITE 4001
CARSON CITY, NEVADA 89701-5249

p: 775-687-9350 • www.ndep.nv.gov/bapc • f: 775-687-6396

Facility ID No. A0018

(DRAFT) Permit No. AP4953-2970

CLASS I AIR QUALITY OPERATING PERMIT TO CONSTRUCT

Issued to: REFUSE, INC. (HEREINAFTER REFERRED TO AS PERMITTEE)

Mailing Address: 2401 CANYON WAY; SPARKS, NEVADA 89434

Physical Address: SAME

General Facility Location: LOCKWOOD REGIONAL LANDFILL
SECTIONS 22-23, 26-27, T19N, R21E (MDB&M)
HA83 – TRACY SEGMENT OF THE TRUCKEE R. BASIN (STOREY COUNTY)
NORTH 4,374.863 KM, EAST 275.368 UTM ZONE 11 (NAD 83)

Emission Unit List:

System 09 – Landfill Gas (LFG) Internal Combustion Engines

S 2.011 Caterpillar Internal Combustion Engine (2,233 HP), Model G3520C, Serial No. GZJ00488
S 2.012 Caterpillar Internal Combustion Engine (2,233 HP), Model G3520C, Serial No. GZJ00489

End of Emission Unit List



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Section I. General Conditions

- A. Nevada Administrative Code (NAC) 445B.3365.2(c)

Severability

Each of the conditions and requirements of this Operating Permit to Construct is severable and, if any are held invalid, the remaining conditions and requirements continue in effect.

- B. Nevada Revised Statute (NRS) 445B.470

Prohibited Acts

The Permittee shall not knowingly:

1. Violate any applicable provision, the terms or conditions of any Operating Permit to Construct or any provision for the filing of information;
2. Fail to pay any fee;
3. Falsify any material statement, representation or certification in any notice or report; or
4. Render inaccurate any monitoring device or method, required pursuant to the provisions of NRS 445B.100 to 445B.450, inclusive, or NRS 445B.470 to 445B.640, inclusive, or any regulation adopted pursuant to those provisions.

- C. NAC 445B.22013

Prohibited Discharge

The Permittee shall not cause or permit the discharge into the atmosphere from any stationary source of any hazardous air pollutant or toxic regulated air pollutant that threatens the health and safety of the general public, as determined by the Director.

- D. State Implementation Plan (SIP) NAC 445B.225

Prohibited Conduct: Concealment of Emissions

The Permittee shall not install, construct, or use any device that conceals any emission without reducing the total release of regulated air pollutants to the atmosphere.

- E. NAC 445B.3365.2(d)

Compliance/Noncompliance

The Permittee shall comply with all conditions of this Operating Permit to Construct. Any noncompliance constitutes a violation and is grounds for:

1. An action for noncompliance;
2. Modifying, revoking, reopening and revising, or terminating the Operating Permit to Construct; or
3. Denial of an application for a renewal of the Operating Permit to Construct.

- F. NAC 445B.273.1

Schedules for Compliance

The Permittee shall comply with NAC 445B.001 through 445B.3791, inclusive. Existing stationary sources are in compliance with those sections and may continue to operate under the provisions of their approved compliance schedules, which may be amended from time to time.

- G. NAC 445B.326.1

Assertion of Emergency as Affirmative Defense to Action for Noncompliance

The Permittee may assert an affirmative defense to an action brought for noncompliance with a technology-based emission limitation contained in the Operating Permit to Construct if the holder of the Operating Permit to Construct demonstrates through signed, contemporaneous operating logs or other relevant evidence that:

1. An emergency occurred as defined in NAC 445B.056, and the holder of the Operating Permit to Construct can identify the cause of the emergency;
2. The facility was being properly operated at the time of the emergency;
3. During the emergency, the holder of the Operating Permit to Construct took all reasonable steps to minimize excess emissions; and
4. The holder of the Operating Permit to Construct submitted notice of the emergency to the Director within 2 working days after the emergency. The notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken to restore the normal operation of the facility.

- H. NAC 445B.3365.2(e)

The need to halt or reduce activity to maintain compliance with the conditions of this Operating Permit to Construct is not a defense to noncompliance with any conditions of this Operating Permit to Construct.

- I. NAC 445B.3365.2(f)

The Director may modify, revoke and reissue, reopen and revise, or terminate the Operating Permit to Construct for cause.



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Section I. General Conditions (continued)

- J. NAC 445B.3265
Revocation and re-issuance
1. NAC 445B.3265.1. **The Permittee's** Operating Permit to Construct may be revoked if the control equipment is not operating.
 2. NAC 445B.3265.2. **The Permittee's** Operating Permit to Construct may be revoked by the Director upon determination that there has been a violation of NAC 445B.001 to 445B.3689, inclusive, or the provisions of 40 CFR Part 52.21, or 40 CFR Part 60 or 61, Prevention of Significant Deterioration, New Source Performance Standards, and National Emission Standards for Hazardous Air Pollutants adopted by reference in NAC 445B.221.
 3. NAC 445B.3265.3. -The revocation is effective 10 days after the service of a written notice, unless a hearing is requested.
- K. SIP 445.715
Revocation
1. **The Permittee's** Operating Permit to Construct may be revoked if the control equipment is not operating.
 2. **The Permittee's** Operating Permit to Construct can be revoked by the Director upon determination that there has been a violation of SIP 445.430 to 445.846, inclusive, or 40 CFR Parts 60 or 61, New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants.
 3. The revocation is effective 10 days after the service of a written notice, and the revoked Operating Permit to Construct shall be surrendered immediately unless a hearing is requested.
- L. NAC 445B.3365.2(g)
This Operating Permit to Construct does not convey any property rights or any exclusive privilege.
- M. NAC 445B.3365.2(h)
The Permittee shall provide the Director, within a reasonable time, with any information that the Director requests in writing to determine whether cause exists for modifying, revoking and reissuing, reopening and revising or terminating this Operating Permit to Construct or to determine compliance with the conditions of this Operating Permit to Construct.
- N. NAC 445B.315.3.i
The Permittee shall pay fees to the Bureau of Air Pollution Control in accordance with the provisions set forth in NAC 445B.327 and 445B.331.
- O. NAC 445B.3365.2(i)
Right to Entry
The Permittee shall allow the Bureau of Air Pollution Control staff, upon the presentation of credentials, to:
1. Enter upon the premises of **the Permittee** where:
 - a. The stationary source is located;
 - b. Activity related to emissions is conducted; or
 - c. Records are kept pursuant to the conditions of this Operating Permit to Construct.
 2. Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of this Operating Permit to Construct;
 3. Inspect, at reasonable times, any facilities, practices, operations, or equipment, including any equipment for monitoring or controlling air pollution, that are regulated or required pursuant to this Operating Permit to Construct; and
 4. Sample or monitor, at reasonable times, substances or parameters to determine compliance with the conditions of this Operating Permit to Construct or applicable requirements.
- P. NAC 445B.3365.2(j)
A responsible official of **the Permittee** shall certify that, based on information and belief formed after reasonable inquiry, the statements made in any document required to be submitted by any condition of this Operating Permit to Construct are true, accurate and complete.



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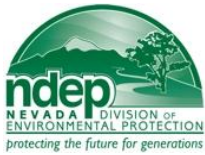
Section I. General Conditions (continued)

Q. NAC 445B.252 Testing and Sampling (State Only Requirement)

1. To determine compliance with [NAC 445B.001](#) to [445B.3689](#), inclusive, before the approval or the continuance of an operating permit or similar class of permits, the Director may either conduct or order the owner of any stationary source to conduct or have conducted such testing and sampling as the Director determines necessary. Testing and sampling or either of them must be conducted and the results submitted to the Director within 60 days after achieving the maximum rate of production at which the affected facility will be operated, but not later than 180 days after initial start-up of the facility and at such other times as may be required by the Director.
2. Tests of performance must be conducted and data reduced in accordance with the methods and procedures of the test contained in each applicable subsection of this section unless the Director:
 - a. Specifies or approves, in specific cases, the use of a reference method with minor changes in methodology;
 - b. Approves the use of an equivalent method;
 - c. Approves the use of an alternative method, the results of which the Director has determined to be adequate for indicating whether a specific stationary source is in compliance; or
 - d. Waives the requirement for tests of performance because the owner or operator of a stationary source has demonstrated by other means to the Director's satisfaction that the affected facility is in compliance with the standard.
3. Tests of performance must be conducted under such conditions as the Director specifies to the operator of the plant based on representative performance of the affected facility. The owner or operator shall make available to the Director such records as may be necessary to determine the conditions of the test of performance. Operations during periods of start-up, shutdown and malfunction must not constitute representative conditions of a test of performance unless otherwise specified in the applicable standard.
4. The owner or operator of an affected facility shall give notice to the Director 30 days before the test of performance to allow the Director to have an observer present. A written testing procedure for the test of performance must be submitted to the Director at least 30 days before the test of performance to allow the Director to review the proposed testing procedures.
5. Each test of performance must consist of at least three separate runs using the applicable method for that test. Each run must be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the runs apply. In the event of forced shutdown, failure of an irreplaceable portion of the sampling train, extreme meteorological conditions or other circumstances with less than three valid samples being obtained, compliance may be determined using the arithmetic mean of the results of the other two runs upon the Director's approval.
6. All testing and sampling will be performed in accordance with recognized methods and as specified by the Director.
7. The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power and other pertinent allied facilities as may be required and specified in writing by the Director must be provided and paid for by the owner of the stationary source.
8. All information and analytical results of testing and sampling must be certified as to their truth and accuracy and as to their compliance with all provisions of these regulations, and copies of these results must be provided to the Director no later than 60 days after the testing or sampling, or both.
9. Notwithstanding the provisions of subsection 2, the Director shall not approve an alternative method or equivalent method to determine compliance with a standard or emission limitation contained in Part 60, 61 or 63 of Title 40 of the Code of Federal Regulations for:
 - a. An emission unit that is subject to a testing requirement pursuant to Part 60, 61 or 63 of Title 40 of the Code of Federal Regulations; or
 - b. An affected source.

R. SIP 445B.252 Testing and sampling (Federally Enforceable SIP Requirement)

1. To determine compliance with [NAC 445B.001](#) to [445B.3497](#), inclusive, before the approval or the continuance of an operating permit or similar class of permits, the Director may either conduct or order the owner of any stationary source to conduct or have conducted such testing and sampling as the Director determines necessary. Testing and sampling or either of them must be conducted and the results submitted to the Director within 60 days after achieving the maximum rate of production at which the affected facility will be operated, but not later than 180 days after initial start-up of the facility and at such other times as may be required by the Director.
2. Tests of performance must be conducted and data reduced in accordance with the methods and procedures of the test contained in each applicable subsection of this section unless the Director:
 - a. Specifies or approves, in specific cases, the use of a reference method with minor changes in methodology;
 - b. Approves the use of an equivalent method;
 - c. Approves the use of an alternative method, the results of which the Director has determined to be adequate for indicating whether a specific stationary source is in compliance; or
 - d. Waives the requirement for tests of performance because the owner or operator of a stationary source has demonstrated by other means to the Director's satisfaction that the affected facility is in compliance with the standard.
3. Tests of performance must be conducted under such conditions as the Director specifies to the operator of the plant based on representative performance of the affected facility. The owner or operator shall make available to the Director such records as may be necessary to determine the conditions of the test of performance. Operations during periods of start-up, shutdown and malfunction must not constitute representative conditions of a test of performance unless otherwise specified in the applicable standard.
4. The owner or operator of an affected facility shall give notice to the Director 30 days before the test of performance to allow the Director to have an observer present. A written testing procedure for the test of performance must be submitted to the Director at least 30 days before the test of performance to allow the Director to review the proposed testing procedures.
5. Each test of performance must consist of at least three separate runs using the applicable method for that test. Each run must be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the runs apply. In the event of forced shutdown, failure of an irreplaceable portion of the sampling



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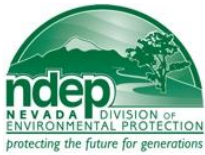
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Section I. General Conditions (continued)

train, extreme meteorological conditions or other circumstances with less than three valid samples being obtained, compliance may be determined using the arithmetic mean of the results of the other two runs upon the Director's approval.

7. The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power and other pertinent allied facilities as may be required and specified in writing by the Director must be provided and paid for by the owner of the stationary source.
 8. All information and analytical results of testing and sampling must be certified as to their truth and accuracy and as to their compliance with all provisions of these regulations, and copies of these results must be provided to the Director no later than 60 days after the testing or sampling, or both.
 9. Notwithstanding the provisions of subsection 2, the Director shall not approve an alternative method or equivalent method to determine compliance with a standard or emission limitation contained in Part 60, 61 or 63 of Title 40 of the Code of Federal Regulations for:
 - a. An emission unit that is subject to a testing requirement pursuant to Part 60, 61 or 63 of Title 40 of the Code of Federal Regulations; or
 - b. An affected source.
- S. SIP NAC 445B.22067
Open Burning
The open burning of any combustible refuse, waste, garbage, oil, or for any salvage operations, except as specifically exempted, is prohibited. Specific exemptions from open burning are described in NAC 445B.22067.2.
- T. SIP NAC 445B.22017
Maximum Opacity of Emissions
 1. Except as otherwise provided in this section and NAC 445B.2202 and 445B.22023, no owner or operator may cause or permit the discharge into the atmosphere from any emission unit, which is of an opacity equal to or greater than 20 percent. Opacity must be determined by one of the following methods:
 - a. If opacity is determined by a visual measurement, it must be determined as set forth in Reference Method 9 in Appendix A of 40 C.F.R. Part 60.
 - b. If a source uses a continuous monitoring system for the measurement of opacity, the data must be reduced to 6-minute averages as set forth in 40 C.F.R. §§ 60.13(h).
 2. The provisions of this section and NAC 445B.2202 and 445B.22023 do not apply to that part of the opacity that consists of uncombined water. The burden of proof to establish the application of this exemption is upon the person seeking to come within the exemption.
- U. NAC 445B.22087
Odors
The Permittee may not discharge or cause to be discharged, from any stationary source, any material or regulated air pollutant which is or tends to be offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents comfortable enjoyment of life or property.
- V. NAC 445B.319, 445B.342, 445B.3425 and 445B.344
Any changes to this Operating Permit to Construct will comply with all provisions established under NAC 445B.319, 445B.342, 445B.3425 and 445B.344.
- W. SIP NAC 445B.22037
Fugitive Dust
 1. **The Permittee** may not cause or permit the handling, transporting, or storing of any material in a manner that allows or may allow controllable particulate matter to become airborne.
 2. Except as otherwise provided in subsection 4, **the Permittee** may not cause or permit the construction, repair, demolition, or use of unpaved or untreated areas without first putting into effect an ongoing program using the best practical methods to prevent particulate matter from becoming airborne. As used in this subsection, "best practical methods" includes, but is not limited to, paving, chemical stabilization, watering, phased construction, and re-vegetation.
 3. Except as provided in subsection 4, **the Permittee** may not disturb or cover 5 acres or more of land or its topsoil until **the Permittee** has obtained an Operating Permit for surface area disturbance to clear, excavate, or level the land or to deposit any foreign material to fill or cover the land.
 4. The provisions of subsections 2 and 3 do not apply to:
 - a. Agricultural activities occurring on agricultural land; or
 - b. Surface disturbances authorized by a permit issued pursuant to NRS 519A.180 which occur on land which is not less than 5 acres or more than 20 acres.

*******End of General Conditions*******



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Section II. General Construction Conditions

A. NAC 445B.3366

Expiration

This permit to construct expires if construction is not commenced within 18 months after the date of issuance thereof or construction of the facility is delayed for 18 months after initiated. The director may extend the 18 month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected commencement date approved by the director.

*******End of General Construction Conditions*******



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Section III. General Operating Conditions

A. NAC 445B.227

Facilities Operation

The Permittee may not:

1. Operate a stationary source of air pollution unless the control equipment for air pollution that is required by applicable requirements or conditions of this Operating Permit to Construct is installed and operating.
2. Disconnect, alter, modify or remove any of the control equipment for air pollution or modify any procedure required by an applicable requirement or condition of this Operating Permit to Construct.

B. NAC 445B.232

Excess Emissions

1. Scheduled maintenance or testing or scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by [NAC 445B.001](#) to [445B.3689](#), inclusive, must be approved in advance by the Director and performed during a time designated by the Director as being favorable for atmospheric ventilation.
2. Each owner or operator shall notify the Director of the proposed time and expected duration at least 30 days before any scheduled maintenance or testing which may result in excess emissions of regulated air pollutants prohibited by [NAC 445B.001](#) to [445B.3689](#), inclusive. The scheduled maintenance or testing must not be conducted unless the scheduled maintenance or testing is approved pursuant to subsection 1.
3. Each owner or operator shall notify the Director of the proposed time and expected duration at least 24 hours before any scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by [NAC 445B.001](#) to [445B.3689](#), inclusive. The scheduled repairs must not be conducted unless the scheduled repairs are approved pursuant to subsection 1.
4. Each owner or operator shall notify the Director of any excess emissions within 24 hours after any malfunction or upset of the process equipment or equipment for controlling pollution or during start-up or shutdown of that equipment.
5. Each owner or operator shall provide the Director, within 15 days after any malfunction, upset, start-up, shutdown or human error which results in excess emissions, sufficient information to enable the Director to determine the seriousness of the excess emissions. The information must include at least the following:
 - a. The identity of the stack or other point of emission, or both, where the excess emissions occurred.
 - b. The estimated magnitude of the excess emissions expressed in opacity or in the units of the applicable limitation on emission and the operating data and methods used in estimating the magnitude of the excess emissions.
 - c. The time and duration of the excess emissions.
 - d. The identity of the equipment causing the excess emissions.
 - e. If the excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunction.
 - f. The steps taken to limit the excess emissions.
 - g. Documentation that the equipment for controlling air pollution, process equipment or processes were at all times maintained and operated, to a maximum extent practicable, in a manner consistent with good practice for minimizing emissions.
6. Each owner or operator shall ensure that any notification or related information submitted to the Director pursuant to this section is provided in a format specified by the Director.

C. SIP 445.667

Excess Emissions; Scheduled Maintenance; Testing; Malfunction

1. Scheduled maintenance or testing approved by the Director or repairs which may result in excess emissions of air contaminants prohibited by SIP 445.430 to 445.846, inclusive, must be performed during a time designated by the Director as being favorable for atmospheric ventilation.
2. The Director shall be notified in writing on the time and expected duration at least 24 hours in advance of any scheduled maintenance or repairs which may result in excess emissions of air contaminants prohibited by SIP 445.430 to 445.846, inclusive.
3. The Director must be notified within 24 hours after any malfunction, breakdown or upset of process or pollution control equipment or during startup of such equipment. Phone (775) 687-9350.
4. The owner or operator of an affected facility shall provide the Director, within 15 days after any malfunction, breakdown, upset, startup or human error sufficient information to enable the Director to determine the seriousness of the excess emissions. The submission must include as a minimum:
 - a. The identity of the stack and/or other emission point where the excess emission occurred.
 - b. The estimated magnitude of the excess emissions expressed in opacity or in the units of the applicable emission limitation and the operating data and methods used in estimating the magnitude of the excess emissions.
 - c. The time and duration of the excess emissions.
 - d. The identity of the equipment causing the excess emissions.
 - e. If the excess emissions were the result of a malfunction, steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunctions.
 - f. The steps taken to limit the excess emissions.
 - g. Documentation that the air pollution control equipment, process equipment or processes were at all times maintained and operated, to a maximum extent practicable, in a manner consistent with good practice for minimizing emissions.



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Section III. General Operating Conditions (continued)

D. SIP Article 2.5.4

Scheduled Maintenance, Testing, and Breakdown or Upset Federally Enforceable SIP Requirement

Breakdown or upset, determined by the Director to be unavoidable and not the result of careless or marginal operations, shall not be considered a violation of the regulations.

*******End of General Operating Conditions*******



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Section IV. General Monitoring, Recordkeeping, and Reporting Requirements

- A. NAC 445B.3365.2(b)
The Permittee shall retain records of all required monitoring data and supporting information for 5 years from the date of the sample collection, measurement, report or analysis. Supporting information includes, but is not limited to, all records regarding calibration and maintenance of the monitoring equipment and all original strip-chart recordings for continuous monitoring instrumentation.
- B. NAC 445B.3405.1(d)
The Permittee will record:
1. Monitoring information required by the conditions of this Operating Permit to Construct including the date, the location and the time of the sampling or the measurements and the operating conditions at the time of the sampling or measurements; and
 2. The date on which the analyses were performed, the company that performed them, the analytical techniques that the company used, and the results of such analyses.
- C. NAC 445B.3365.2(h)
The Permittee will submit yearly reports including, but not limited to, throughput, production, fuel consumption, hours of operation, and emissions. These reports will be submitted on the form provided by the Bureau of Air Pollution Control for all emission units/systems specified on the form. The completed form must be submitted to the Bureau of Air Pollution Control no later than March 1 annually for the preceding calendar year, unless otherwise approved by the Bureau of Air Pollution Control.
- D. SIP NAC 445B.265.1
Notification and Recordkeeping
The Permittee as the owner or operator subject to the provisions of NAC 445B.256 to 445B.267, inclusive, shall maintain records of the occurrence and duration of any start-up, shutdown or malfunction in the operation of an affected facility and any malfunction of the air pollution control equipment or any periods during which a continuous monitoring system or monitoring device is inoperative.

*******End of General Monitoring and Recordkeeping Conditions*******